

# **EXECUTIVE COUNCIL OF IOWA AGENDA**

**State Capitol - Robert D. Ray Conference Room (G09) 10:00 a.m.**

**December 17, 2018**

1. Approval of minutes of the Executive Council and Board of Canvass meetings held on December 3, 2018
2. Iowa Code §7D.10 – Page 1  
**TAB # 1**
3. Outside Counsel – Page 1  
**TAB # 2**
4. Emergency Allocations – Page 1-3
5. Payment of Cost Items (1 of 2) – Page 3-9
6. Payment of Cost Items (2 of 2) – Page 9

**2. Iowa Code §7D.10**

- A. Attorney General's office request Payment for Expenses under Iowa Code §7D.10 in the amount of \$6,130.38.

**TAB # 1**

**3. Outside Counsel**

- A. The Department of Justice, Attorney General's office requests retention of outside counsel, pursuant to Iowa Code section 13.3(1) to provide legal services and, if necessary, legal representation related to collective bargaining with AFSCME Council 61 for the 2017-2019 or 2019-2021 collective bargaining agreements.

Firm: Belin McCormick  
666 Walnut St  
Suite 2000  
Des Moines, IA 50309

Rates: Belin McCormick offers their services at a rate discounted 15% from their usual billing rates.

**TAB # 2**

**4. Emergency Allocations**

- A. Iowa Veterans Home is requesting a supplemental emergency allocation in the amount of \$3.00. This will increase the total allocation to \$9,580.75. On April 14, 2018 high wind caused damage to several buildings. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation will be closed.

- B. Iowa Communications Network is requesting an emergency allocation in the amount of \$34,016.41. On October 1, 2018 ICN sustained cable damage due to erosion along Highway 93 in Fayette County. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices and supporting documentation and demonstration that no costs covered by the maintenance contract have been included.

- C. Iowa Communications Network is requesting a supplemental emergency allocation in the amount of \$1,894.23. This increases the total allocation to \$29,258.14. On October 2, 2018 ICN sustained cable damage due to erosion along Highway 13 in Clayton County. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation, subject to audit of actual invoices and supporting documentation and demonstration that no costs covered by the maintenance contract have been included.

- D. Board of Regents – Iowa State University is requesting an emergency allocation and reimbursement in the amount of \$62,753.96. On December 3, 2015 water tank failure caused water damage at Beyer Hall. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation will be closed.

- E. Board of Regents – Iowa State University is requesting an emergency allocation and reimbursement in the amount of \$56,194.00. On December 6, 2015 a fire damaged the sauna and men's locker room at the Science and Technology State Gym. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation will be closed.

- F. Board of Regents – University of Iowa is requesting an emergency allocation and reimbursement in the amount of \$133,531.34. On July 24, 2015 a fire damaged the Chemistry building and equipment. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation will be closed.

- G. Department of Natural Resources is requesting an emergency allocation in the amount of \$2,342.20. On November 13, 2018 vehicle #1209 was damaged by a deer in Taylor County. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- H. Department of Public Safety is requesting an emergency allocation in the amount of \$3,748.91. On November 21, 2018 State Patrol Vehicle #209 was damaged by a deer in Howard County. Request is to cover repair costs.

The State Auditor's Office has reviewed request and recommends allocation, subject to audit of actual invoices.

- I. Department of Cultural Affairs is requesting a supplemental emergency allocation in the amount of \$57.64. This brings the total allocation to \$10,562.48. On August 30, 2018 there was damage to the HVAC system due to a theft at Western Historic Trails Center in Council Bluffs. Request is to cover repair costs.

The State Auditor's Office has reviewed this request and recommends allocation and payment. This represents full and final payment and this allocation will be closed.

**5. Payment of Cost Items (1 of 2)**

- A. Iowa Communications Network.....\$16,016.10  
On July 1, 2018 ICN sustained cable damage due to a washout of Four Mile Creek at NE 62nd Avenue. Request was to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment, \$5,800.41 will be reverted and this allocation closed.

- B. Iowa Communications Network.....\$14,560.00  
On July 17, 2018 ICN sustained cable damage due to erosion along Harrison Avenue near Rock Rapids. Request was to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment and this allocation closed.

- C. Iowa Communications Network.....\$14,350.52  
On February 12, 2018 a cable was damaged due to rodent chews along Caves Road in Jackson County. Request was to cover repair costs.

The State Auditor's Office has reviewed this request and recommends payment. This represents full and final payment and this allocation closed.

D. Department of Natural Resources .....\$12,227.12  
Drainage taxes for the following county:

Fremont	\$12,227.12
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Noel Hindt, Assistant Attorney General, has reviewed this request and recommends payment.

E. Hall Render Killian Heath & Lyman P.C. (Baker).....\$784.35  
Suite 2000, Box 82064  
One American Square  
Indianapolis, IN 46282  
University of Iowa Hospitals and Clinics (UIHC) Appeals

Jeffrey S. Thompson, Solicitor General, has reviewed these invoices and recommends payment. Payment will be made from the funds of the University of Iowa Hospitals and Clinics.

F. Hall Render Killian Heath & Lyman P.C. (Baker).....\$1,276.39  
Suite 2000, Box 82064  
One American Square  
Indianapolis, IN 46282  
University of Iowa Hospitals and Clinics (UIHC) Appeals

Jeffrey S. Thompson, Solicitor General, has reviewed these invoices and recommends payment. Payment will be made from the funds of the University of Iowa Hospitals and Clinics.

G. Hall Render Killian Heath & Lyman P.C. (Baker).....\$1,128.79  
Suite 2000, Box 82064  
One American Square  
Indianapolis, IN 46282  
University of Iowa Hospitals and Clinics (UIHC) Appeals

Jeffrey S. Thompson, Solicitor General, has reviewed these invoices and recommends payment. Payment will be made from the funds of the University of Iowa Hospitals and Clinics.

- H. Gray Miller Persh, LLP.....\$1,125.90  
1200 New Hampshire Ave., N.W.  
Washington, D.C. 20036  
Iowa Public Television

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the funds of Iowa Public Television.

- I. Foley & Lardner, LLP.....\$548.90  
321 North Clark Street  
West Des Moines, IA 50265  
Legal Advice to OCIO

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made by OCIO.

- J. Richard J. Bennett, Sr.....\$3,798.00  
PO Box 65666  
West Des Moines, IA 50265  
Special Counsel for the Criminal Appeals Division of the Iowa Attorney General's Office

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Attorney General's Office's Forfeiture Fund.

- K. Davis Brown Law Firm.....\$989.00  
215 10th Street, Suite 1300  
Des Moines, IA 50309-3993  
Unclaimed Property Probate Matters & Employee Retirement Income Security Act (ERISA)

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Unclaimed Property Fund.

L. Patterson Law Firm L.L.P.....\$144.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Rory Aschbrenner vs. Iowa State University, State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

M. Patterson Law Firm L.L.P.....\$556.75  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Mark Alan Plueger v. Iowa Department of Transportation, State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

N. Patterson Law Firm L.L.P.....\$24.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Joshua Garringer v. University of Iowa, State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

O. Patterson Law Firm L.L.P.....\$54.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Mary Kimball v. Woodward Resource Center, State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- P. Patterson Law Firm L.L.P.....\$344.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Mark Ostring v. Woodward Resource Center, State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- Q. Patterson Law Firm L.L.P.....\$72.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
James Conwell v. University of Iowa Hospitals and Clinics, State of Iowa and Second Injury

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- R. Patterson Law Firm L.L.P.....\$192.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Steven Porter v. Iowa State Fair, State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

- S. Patterson Law Firm L.L.P.....\$312.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Myra Ball v. Iowa Insurance Division, State of Iowa and Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and recommends payment. Payment will be made from the Second Injury Fund.

T. Patterson Law Firm L.L.P.....\$330.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
James Brundies v. Iowa Department of Transportation, State of Iowa and  
Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and  
recommends payment. Payment will be made from the Second Injury Fund.

U. Patterson Law Firm L.L.P.....\$180.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Jeffrey M. Skaggs v. Newton Correctional Facility, State of Iowa and Second  
Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and  
recommends payment. Payment will be made from the Second Injury Fund.

V. Patterson Law Firm L.L.P.....\$24.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Amy Wearmouth v. Iowa Correctional Institute for Women, State of Iowa and  
Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and  
recommends payment. Payment will be made from the Second Injury Fund.

W. Patterson Law Firm L.L.P.....\$252.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Kameron Paulus v. Mt. Pleasant Correctional Facility, State of Iowa and  
Second Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and  
recommends payment. Payment will be made from the Second Injury Fund.

X. Patterson Law Firm L.L.P.....\$322.00  
729 Insurance Exchange Building  
505 Fifth Avenue  
Des Moines, IA 50309-2390  
Cherie Kreger v. University of Northern Iowa, State of Iowa and Second  
Injury Fund of Iowa

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and  
recommends payment. Payment will be made from the Second Injury Fund.

Y. Belin McCormick, P.C.....\$296.00  
666 Walnut Street, Suite 2000  
Des Moines, IA 50309  
ISEA v. State of Iowa, a civil case number CVCV053887

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and  
recommends payment. Payment will be made from the General Fund.

**6. Payment of Cost Items (2 of 2)**

A. Nyemaster Goode, P.C.....\$196,397.36  
700 Walnut Street  
Suite 1600  
Des Moines, IA 20309  
Godfrey v. State of Iowa et al, civil rights complaint

Jeffrey S. Thompson, Solicitor General, has reviewed this invoice and  
recommends payment. Payment will be made from the General Fund.

THOMAS J. MILLER  
ATTORNEY GENERAL

ERIC TABOR  
CHIEF DEPUTY ATTORNEY GENERAL



IOWA DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL

1305 E. WALNUT ST.  
DES MOINES, IA 50319  
Main: 515-281-5164 • Direct: 515-281-5191  
Email: Eric.Tabor@ag.iowa.gov  
www.iowaattorneygeneral.gov

December 4, 2018

Ms. Victoria Newton  
Executive Secretary  
Executive Council  
State Capitol  
L-O-C-A-L

Re: Request for Payment of SVP Court Costs

Dear Victoria:

Our Office requests Executive Council approval for payment pursuant to Iowa Code section 7D.10 for court costs and expenses incurred in prosecuting civil commitments under Iowa Code chapter 229A for the Sexually Violent Predator (SVP) program.

In addition to the cost of employee salaries, travel and support devoted to this program, the Office incurs substantial expenses for expert witnesses. These expenses have increased substantially due to the growing number of chapter 229A commitments. Section 7D.10 authorizes payment of court costs and expenses by the Executive Council “[i]f sufficient funds for court costs have not been appropriated to a state department, or if sufficient funds are not otherwise available for such purposes within the budget of a state department.” There is no specific appropriation for these expenses and sufficient funds are not otherwise available.

Therefore, pursuant to Iowa Code section 7D.10, the Office requests Executive Council approval of payment of \$6,130.38 in expert witness fees (invoices enclosed).

Sincerely yours,

ERIC TABOR  
Chief Deputy

Encl.

THOMAS J. MILLER  
ATTORNEY GENERAL

JEFFREY S. THOMPSON  
SOLICITOR GENERAL



IOWA DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL

1305 E. WALNUT ST.  
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Main: 515-281-5164 • Direct: 515-281-4419  
Email: Jeffrey.Thompson@iowa.gov  
www.iowaattorneygeneral.gov

December 13, 2018

Victoria Newton  
Executive Secretary  
Executive Council  
State Capitol  
LOCAL

Re: Retention of Outside Counsel

Dear Victoria:

Our office requests appointment of outside counsel pursuant to Iowa Code section 13.3(1) to provide legal services and, if necessary, legal representation related to collective bargaining with AFSCME Council 61 for the 2017-2019 or 2019-2021 collective bargaining agreements. The Attorney General has determined that it is appropriate to recuse the office from participating in these matters to avoid any appearance of conflict of interest.

The Governor's office has contacted the Belin McCormick law firm which has agreed to represent the State and State Agencies in this matter. Belin McCormick offers their services at a rate discounted 15% from their usual billing rates. The attorneys and their discounted hourly billing rates are as follows: Mike Reck (\$345), Matt McDermott (\$275), Kelsey Knowles (\$245), and Espnola Cartmill (\$220).

Accordingly, our office recommends that Belin McCormick be retained as outside counsel to represent the State and State Agencies in the above-referenced matter. Attorney fees and costs will be paid from the General Fund.

Thank you for your assistance in this matter.

Sincerely,

JEFFREY S. THOMPSON  
Solicitor General